

14 SEP 2005



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Mark M. Friedman
C/o Polkinghorn
9003 Florinway
Upper Marlboro, MD 20772

In re Application of	:	
Haran et al	:	DECISION ON
Int. Application: PCT/IL2004/000426	:	
Application No.: 10/530,221	:	
Int. Filing Date: 19 May 2004	:	REQUEST UNDER
Priority Date: 21 May 2003	:	
Attorney's Docket No.: 2823/34	:	
For: METHOD AND APPARATUS FOR...	:	
PASSIVE OPTICAL NETWORK	:	37 CFR 1.497(d)

This is a decision on applicants' "PETITION TO ADD INVENTORS UNDER 37 CFR 1.48(a)" filed on 18 May 2005, which is being treated as a request under 37 CFR 1.497(d) to add joint inventors Ariel Maislos and Nadav Aharony in the executed declaration.

BACKGROUND

On 19 May 2004, applicant filed international application No. PCT/IL2004/000426 designating the United States and claiming a priority date of 21 May 2003.

On 04 April 2005, applicant filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee. No executed oath or declaration was filed at such time.

On 18 May 2005, applicants filed a "PETITION TO ADD INVENTORS UNDER 37 CFR 1.48(a)," which included, *inter alia*, a statement under 37 CFR 1.497(d) to add joint inventors Ariel Maislos and Nadav Aharony in the executed declaration.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

- (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (2) the fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (3) under 37 CFR 1.497(d).

With respect to item (1), the statements submitted on 18 May 2005 by Ariel Maislos and Nadav Aharony are sufficient because the statements state that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of \$130.00 has been charged to Deposit Account 06-2140.

With respect to item (3), Passave Ltd, the assignee, consents to the correction of inventorship to the above application and it has filed in the requisite papers establishing their right to take action under 37 CFR §3.73(b).

Accordingly, the requests are deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371 date of this application is **18 May 2005**.



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 272-0459